

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HAROLD D. ROBINSON,

Plaintiff,

v.

Case No. 16-13752

UNIVERSITY OF DETROIT MERCY, et al.,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR LACK OF SUBJECT
MATTER JURISDICTION AND FAILURE TO SHOW CAUSE**

Plaintiff Harold Robinson filed this civil rights case under 42 U.S.C. § 1983 on October 21, 2016 (Dkt. # 1), and filed an amended complaint on January 3, 2017 (Dkt. # 4). Defendants, the University of Detroit Mercy and several of its employees, filed their answer on March 2, 2017. (Dkt. # 11.) On March 22, 2017, after reviewing the amended complaint, the court, sua sponte, ordered Plaintiff to show cause why the case should not be dismissed for lack of subject matter jurisdiction. (Dkt. # 14.)

In its show cause order, the court observed that Plaintiff had alleged that Defendant University of Detroit Mercy is a “private, non-profit coeducational corporation” and had not plead facts to support the proposition that Defendants acted “under color of state law” as required to set out a prima facie § 1983 claim. (Dkt. # 14, Pg. ID 120-21.) The court ordered Plaintiff to show cause “in writing, no later than **March 31, 2017**, why his case should not be dismissed for lack of subject matter jurisdiction. (*Id.* at Pg. ID 121 (emphasis in original).)

Plaintiff did not respond until April 13, 2017, when he filed a “stipulation of dismissal” stating that he “stipulates to dismiss his complaint without prejudice.” (Dkt. # 15.) Plaintiff does not explain his failure to respond by the deadline set in the show cause order. In any event, Plaintiff appears to agree that the court lacks subject matter jurisdiction over the case. Accordingly,

IT IS ORDERED that the case is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction and failure to show cause.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 19, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(313) 234-5522